

REMARKS

Claims 1-14 are pending in the present application. Claims 1, 3, 6, 8, 11 and 12 have been amended to clarify the present invention. New claims 15, 16 and 17 have been added. Applicants respectfully submit that the claims are patentable over the cited references. Reconsideration of the application is hereby requested.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned **“Version with markings to show changes made.”**

The Examiner has rejected independent claim 1 under 35 U.S.C. §102(b) as being anticipated by, or in the alternative, under 35 U.S.C. §103(a) as being obvious over EP 811,663 to Schall, et al., which discloses a traffic paint comprising a blend of a polymer binder and a polyfunctional amine polymer. Neither the polymer binder nor the polyfunctional amine polymer is formed from monomers that include a “macromonomer comprising a hydrophobic portion and an alkoxyated portion”, as is presently recited in claim 1. For at least this reason, Applicants submit that the Schall, et al. reference fails to show or suggest claim 1, as presently amended.

The Examiner has further rejected independent claim 1 under 35 U.S.C. §102(a) as being anticipated by, or in the alternative, under 35 U.S.C. §103(a) as being obvious over EP 875,540 to Verge et al. or EP 875,542 to Verge et al., which disclose a mixture of two particle dispersions, (A) and (B). Neither the dispersion (A) nor the dispersion (B) is formed from monomers that include a “macromonomer comprising a hydrophobic portion and an alkoxyated portion”, as is presently recited in claim 1. For at least this reason, Applicants submit that the Verge et al. references fail to show or suggest claim 1, as presently amended.

The Examiner has further rejected independent claim 1, as well as independent claim 8, under 35 U.S.C. §103(a) as being obvious over WO 98/52,980 to Collins et al., which discloses a water-based latex comprising an amino-functional polymer particle and a waterborne pendant-functional polymer particle. Neither the amino-functional polymer particle nor the waterborne pendant-functional polymer particle is formed from monomers that include “a carbonyl-containing monomer

selected from the group consisting of acrolein, methacrolein, diacetone acrylamide, diacetone methacrylamide and vinylaceto acetate”, as is presently recited in both claim 1 and claim 8. For at least this reason, Applicants submit that the Collins et al. reference fails to show or suggest claim 1 and claim 8.

The Examiner has rejected dependent claims 6, 7, 12 and 13 under 35 U.S.C. §103(a) as being obvious over the Collins et al. patent in combination with U.S. Patent No. 5,889,107 to Jakob et al. The Examiner cites the Jakob et al. reference to show that it would have been obvious to use the carbonyl group containing monomers of the Jakob et al. reference in lieu of the acetoacetoxy functional vinyl monomer of the Collins et al. reference. Applicants respectfully submit, however, that the fact that the carbonyl group containing monomers of the Jakob et al. reference can be substituted for the acetoacetoxy functional vinyl monomer of the Collins et al. reference is not sufficient to establish prima facie obviousness pursuant to *In re Mills*, 16 USPQ2d 1430 (Fed. Cir. 1990) because there is no suggestion or motivation in the Jakob et al. reference or the Collins et al. reference to do so. In fact, the Collins et al. reference teaches away from such a substitution by specifically requiring an acetoacetoxy-functional monomer as a part of its invention. For at least this reason, Applicants submit that the Jakob et al. references fails to cure the deficiencies of the Collins et al. reference with regard to claims 1 and 8.

For at least the foregoing reasons, Applicants submit that independent claims 1 and 8 are patentable over the cited references. Applicants consider it apparent that claims 2-7 and 9-17 are also patentable over the cited references because they depend from claim 1 or claim 8 and recite additional novel features of the present invention.

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

Respectfully submitted,

JOHN M. KRAJNIK, ET AL.

By 
Paul R. Katterle

Attorney for Applicants
Reg. No. 36,563

September 25, 2001
The Sherwin-Williams Company
11 Midland Bldg. - Legal Dept.
101 Prospect Avenue, N.W.
Cleveland, Ohio 44115

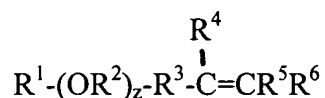
Phone: (216) 566-3650

VERSION WITH MARKINGS TO SHOW CHANGES MADE

The claims have been amended as follows:

1. (once amended) An aqueous coating composition comprising:
 - (a) a binder polymer [comprising] polymerized from one or more copolymerizable monoethylenically unsaturated monomers, wherein at least one of said monoethylenically unsaturated monomers [contains latent crosslinking functionality] is a carbonyl-containing monomer selected from the group consisting of acrolein, methacrolein, diacetone acrylamide, diacetone methacrylamide and vinylaceto acetate; and
 - (b) a second polymer polymerized from monomers comprising a monoethylenically unsaturated monomer containing latent crosslinking functionality and a macromonomer comprising a hydrophobic portion and an alkoxyated portion.

3. (once amended) The coating composition of claim 1 wherein the monoethylenically unsaturated monomers forming the binder polymer further [comprises] comprise a macromonomer represented by the formula:



wherein:

R^1 is a monovalent residue of a substituted or unsubstituted hydrophobe compound;

each R^2 is the same or different and is a substituted or unsubstituted divalent hydrocarbon residue;

R^3 is a substituted or unsubstituted divalent hydrocarbon residue;

R^4 , R^5 , R^6 are the same or different and are hydrogen or a substituted or unsubstituted monovalent hydrocarbon residue;
and z is a value of 0 to 150.

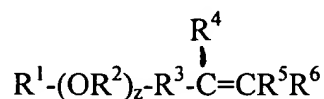
6. (once amended) The coating composition of claim 1 wherein the monoethylenically unsaturated monomers forming the binder polymer [comprises] comprise:

- (a) 40-60% by weight of a fatty acid vinyl ester;
- (b) 30-50% by weight of methylmethacrylate;
- (c) 0.5-10% by weight of diacetone acrylamide; and
- (d) 0.5%-5% by weight of methacrylic acid, based on the total weight of the binder polymer.

8. (once amended) An aqueous coating composition comprising:

- (a) a binder polymer [comprising] polymerized from one or more copolymerizable monoethylenically unsaturated monomers, wherein at least one of said monoethylenically unsaturated monomers [contains latent crosslinking functionality] is a carbonyl-containing monomer selected from the group consisting of acrolein, methacrolein, diacetone acrylamide, diacetone methacrylamide and vinylaceto acetate; and
- (b) at least one polymer comprising the reaction product of:
 - (i) an unsaturated carboxylic acid monomer,
 - (ii) a monoethylenically unsaturated monomer different from the carboxylic acid monomer,
 - (iii) a macromonomer comprising a hydrophobic portion and an alkoxyated portion, and
 - (iv) a monoethylenically unsaturated monomer containing latent crosslinking functionality.

11. (once amended) The coating composition of claim 8 wherein the monoethylenically unsaturated monomers forming the binder polymer further [comprises] comprise a macromonomer represented by the formula:



wherein:

R^1 is a monovalent residue of a substituted or unsubstituted hydrophobe compound;

each R^2 is the same or different and is a substituted or unsubstituted divalent hydrocarbon residue;

R^3 is a substituted or unsubstituted divalent hydrocarbon residue;

R^4 , R^5 , R^6 are the same or different and are hydrogen or a substituted or unsubstituted monovalent hydrocarbon residue;

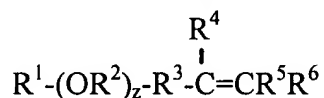
and z is a value of 0 to 150.

12. (once amended) The coating composition of claim 8 wherein the monoethylenically unsaturated monomers forming the binder polymer [comprises] comprise:

- (a) 40-60% by weight of a fatty acid vinyl ester;
- (b) 30-50% by weight of methylmethacrylate;
- (c) 0.5-10% by weight of diacetone acrylamide; and
- (d) 0.5%-5% by weight of methacrylic acid, based on the total weight of the binder polymer.

New Claims 15, 16 and 17 have been added.

15. (new) The coating composition of claim 1, wherein the macromonomer is represented by the formula:



wherein:

R^1 is a monovalent residue of a substituted or unsubstituted hydrophobe compound;

each R^2 is the same or different and is a substituted or unsubstituted divalent hydrocarbon residue;

R^3 is a substituted or unsubstituted divalent hydrocarbon residue;

R^4 , R^5 , R^6 are the same or different and are hydrogen or a substituted or unsubstituted monovalent hydrocarbon residue;

and z is a value of 0 to 150.

16. (new) The coating composition of claim 1, wherein the carbonyl-containing monomer is diacetone acrylamide.

17. (new) The coating composition of claim 8, wherein the carbonyl-containing monomer is diacetone acrylamide.